

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DARIEN ANTHONY NELSON,
Petitioner,

v.
BRUNO STOLC, Warden,
Respondent.

No. C 12-1554 CW (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner incarcerated in Eloy, Arizona, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the validity of his conviction, which was obtained in Solano County Superior Court.

A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).


Solano County Superior Court lies within the venue of the Eastern District of California. See 28 U.S.C. § 84(b). Petitioner is incarcerated in Arizona. Thus, jurisdiction over the petition exists in either the Eastern District of California or the District of Arizona, but not in the Northern District of California.

1 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and
2 in the interest of justice, the Clerk of the Court is ordered to
3 TRANSFER this action forthwith to the United States District Court
4 for the Eastern District of California.

5 All remaining motions are TERMINATED on this Court's docket as
6 no longer pending in this Court.

7 IT IS SO ORDERED.

8 Dated: 4/11/2012


CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE